



Peter Meisels, Esq.
Direct dial: (914) 872-7156
peter.meisels@wilsonelser.com

April 18, 2024

VIA ECF

Hon. Ann M. Donnelly
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Josiah Galloway v. Nassau County, The Incorporated Village of Hempstead, Police
Officer Steven Horowitz, Detective Matthew Ross, Detective Charles DeCaro, Detective
Ronald Lipson, Detective Thomas Dluginski, Detective George Darienzo
Docket No. 19-CV-5026 (AMD) (JMW)

Dear Judge Donnelly:

We represent the Nassau County defendants in the above-referenced action. We submit this letter requesting a stay of this Court's March 29, 2024 Decision and Order on the defendants' motion for summary judgment directing the parties to file a joint pre-trial order within thirty (30) days of the order. *See* D.E. 220. The current deadline for the parties to file a joint pre-trial order is April 29, 2024. We request the Court hold this current deadline in abeyance, and request that the parties be permitted to file the joint pre-trial order within thirty (30) days of the Court's Decision and Order on the defendants' recently filed motions for reconsideration. *See* D.E. 221-22. Plaintiff opposes this request.

On April 12, 2024, the County defendants filed a motion for reconsideration of this Court's decision on the County defendants' summary judgment motion (*see* D.E. 221), as permitted pursuant to Local Civil Rule 6.3. This motion has yet to be fully briefed pursuant to the scheduling requirements of Local Civil Rule 6.1. While the Court's current decision (*see* D.E. 220) is controlling, the defendants' motions for reconsideration may alter this decision. Any such modification may effect the substance of the joint pre-trial order. Until there is a decision on the defendants' motions for reconsideration, the County defendants believe that it is logical and a reasonable request to stay the current deadline to 30 days after the Court issues its decision on the pending motions.

As this Court is aware, discovery involving two (2) municipalities and six (6) individual defendants relating to matters that occurred over fifteen (15) years ago was more than extensive. Our colleague

Hon. Ann M. Donnelly

April 18, 2024

Page 2

John Vitagliano, who is the attorney who primarily handled discovery in this case, is in the midst of preparing for the continuation of a multi-million-dollar N.Y. Real Property Tax Law Article 7 real estate tax litigation trial on April 29, 2024. This tax *certiorari* trial involving the valuation of the Palisades Center Mall in Clarkstown, New York (*see Eklecco NewCo LLC, et al. v. Town of Clarkstown, et al.*, Rockland County Supreme Court, Index No. 034186/2021, Hon. Christie D'Alessio) will continue on April 29, 2024 through May 10, 2024, and will further continue May 20, 2024 through May 24, 2024.

Therefore, the County defendants request this Court stay the deadline for the parties to file a joint pre-trial order until thirty (30) days after the Court's decision on the defendants' motions for reconsideration. *See* D.E. 221-22.

Respectfully yours,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

A handwritten signature in blue ink, appearing to read "P. Meisels", is positioned above the printed name.

Peter A. Meisels

Cc: Counsel of Record (via ECF)